

THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

WRIT PETITION NO. 17251 OF 2001

DATED: 16-08-2005

Between

M. Srinivas, S/o Late Chittary, Aged 30 years,
Occupation: Agriculture, R/o. 5-46, Bharatnager,
Uppal, R.R. District.

..... PETITIONER

And

1. Assistant Engineer, A.P.C.P.D.C.L.O.P.,
R.R. Circle, Uppal, Ranga Reddy District and others.

..... RESPONDENTS

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ORDER:

The provisional assessment notice intimating the petitioner about the value of the energy pilfered by him at Rs.59,315/- itself is challenged in this writ petition. The petitioner also challenges the action of the respondents in disconnecting the domestic power supply on the ground that he had indulged in pilferage of energy by direct tapping of supply under Category II.

The provisional assessment notice is self-explanatory under which the Assistant Divisional Engineer provisionally estimated the value of energy alleged to have been pilfered by the petitioner at Rs.59,315/-. The petitioner was accordingly put on notice that there is a provision for compounding of offence for the first offence by the Station House Officer/APTS/Ranga Reddy, Vidyuth Soudha. The amount of compounding worked out based on the connected load and the purpose for which the power was being utilized at Rs.40,000/-. The petitioner was accordingly put on notice that after the offence is compounded, if he so desires he will be set at liberty and no proceedings will be instituted/continued against him in any criminal Court.

The question as to whether the petitioner pilfered any energy as such cannot be gone into by this Court in this writ petition. That a detailed enquiry is required to be made, if not already made by the respondents assessing the value of energy alleged to have been pilfered by the petitioner. This Court vide its order dated 18-08-2001 did not stop the enquiry and in the circumstances, it would be safe to presume that the enquiry initiated against the petitioner may have already been completed. That an opportunity was also given to the petitioner to exercise the option for compounding the offence.

This Court vide its interim order dated 18-08-2001 directed the respondents to restore the power supply on condition of the petitioner depositing Rs.20,000/-.

In the circumstances, the writ petition is disposed of directing the respondents not to effect any disconnection of power supply under Category II as well as domestic power supply so far as the petitioner is concerned provided he has already paid a sum of Rs.20,000/- in terms of the directions of this Court, pending enquiry if any as on today. That if the offence has already been compounded and final assessment order has been passed by the competent authority, the same shall be given effect to unless there are found to be any legal impediments for implementing such orders. The petitioner shall be entitled to the benefit of the interim order granted by this Court as long as the enquiry initiated against him is not finally closed. It shall be open to the petitioner to challenge the final orders, if any passed, if he has not agreed for compounding of the offence. No order as to costs.

(B. Sudershan Reddy, J)

16..08..2005

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